

REMARKS

By this Amendment, claims 1, 12, 21, 28, 29 and 31 are amended and claims 22, 24-27 and 30 are canceled without prejudice to or disclaimer of the subject matter recited therein. No new matter is added. Thus, claims 1, 6, 7, 10, 12, 15-19, 21, 28, 29 and 31 are now pending in this application. Those claims should be allowed for at least the reasons discussed below.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution and merely cancel claims or place dependent claims into their respective independent claims; (c) satisfy a requirement of form asserted in the previous Office Action by addressing raised §112 issues; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Preliminary Issues

Applicants thank the Examiner for the indication that claims 17-19 are allowed. However, because claims 28-29 properly depend from claim 17 and are not rejected over prior art, upon overcoming the outstanding §112 rejection, these claims should also be in condition for allowance.

Applicants also again acknowledge that the certified copy of the prior application has not been submitted. Applicants will submit the requested certified copy upon indication of allowability for the remainder of the pending claims.

II. Formal Matters

In the Office Action, claims 26-31 are rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

The subject matter of claims 26, 27 and 30 has been incorporated into their original independent claims (independent claims 1, 12 and 21, respectively) with the proper antecedent support. Those claims are now concise and definite.

Additionally, claims 28, 29 and 31 are revised for consistency with and antecedent support from the underlying base claims 17 and 21. Claims 28, 29 and 31 are also concise and definite. Withdrawal of the objection is respectfully requested.

In the Office Action, claims 22-23 (presumably claims 21-22) are objected to under 37 CFR §1.75(c) for being duplicative. This rejection is respectfully traversed.

Based on the detailed description of the rejection, it is believed that claims 21-22 were intended instead of the identified claims 22-23. However, because claim 22 has been canceled, this rejection is rendered moot. Withdrawal of the rejection is respectfully requested.

III. The Pending Claims Define Patentable Subject Matter

In the Office Action, claims 1, 6, 7, 10, 28, 29, 12, 15, 16, 30 and 31 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,049,700 to Kobayashi. This rejection is respectfully traversed.

With respect to independent claims 1 and 12, these claims are amended to incorporate the clarified subject matter of claims 26 and 27, respectively. In particular, both claims 1 and 12 recite a combination of features, including: (a) an access floor panel having a gasket with a first portion having a top U-shaped portion that engages and surrounds a top edge of the rib portion of the peripheral edge of the panel; and (b) a lowermost portion having a convex profile that is resiliently depressible into a flattened profile.

With respect to dependent claims 28 and 29, these claims depend from allowable base claim 17 and are therefore in condition for allowance.

With respect to dependent claims 30 and 31, these claims properly depend from claim 21, which does not stand rejected based on Kobayashi. Therefore, the rejection of claims 30 and 31 is in error.

Kobayashi discloses an access floor assembly having panels 2 that include floor plate 12 with a packing material 20 used as a sealing structure. Packing material 20 is formed in an L-shape and is bonded to an outer side surface of the panel (Fig. 2 and col. 3, line 67 to col. 4, line 10). A lower portion of the material 20 is formed in the shape of a hollow circle and is elastically deformable.

Kobayashi does not teach or provide a reason to provide a gasket having a first portion having a top U-shaped portion that engages and surrounds a top edge of the rib portion of the peripheral edge of the panel and a second lowermost portion having the specified convex shape.

Because Kobayashi does not teach each and every feature of independent claims 1 and 12, these claims and claims dependent therefrom distinguish over Kobayashi. Withdrawal of the rejection is respectfully traversed.

In the Office Action, claims 21, 22, 26 and 27 are rejected under 35 U.S.C. §102(b) over German Patent Publication No. DE 3731126 to Schmid. This rejection is respectfully traversed.

As a preliminary matter, claims 26 and 27 properly depend from claims 1 and 12, respectively, which do not stand rejected based on Schmid. Therefore, the rejection of claims 26 and 27 is in error.

Regarding independent claim 21, this claim is amended to incorporate the clarified subject matter of dependent claim 30. Claim 21 now recites a combination of features,

including: (a) an access floor panel having a gasket with a first portion having a top U-shaped portion that engages and surrounds a top edge of the rib portion of the peripheral edge of the panel; and (b) a lowermost portion having a convex profile that is resiliently depressible into a flattened profile.

Schmid, which is published in German, has no apparent English-language counterpart applications. It is difficult to assess where the Office Action finds support for its allegation that Schmid is directed to an access floor panel or that it has a metal frame and a flexible and resilient gasket as recited. Moreover, Schmid clearly does not teach or provide a reason for providing an access floor panel as recited in claim 21 including: (a) an access floor panel having a gasket with a first portion having a top U-shaped portion that engages and surrounds a top edge of the rib portion of the peripheral edge of the panel; and (b) a lowermost portion having a convex profile that is resiliently depressible into a flattened profile as claimed.

In the alleged Fig. 6c, it is not clear that element 3 is a gasket or is flexible. Moreover, there is no lowermost portion having a convex profile as claimed. Accordingly, because Schmid does not teach each and every feature of independent claim 21, this claim and claims dependent therefrom distinguish over Schmid. Withdrawal of the rejection is respectfully requested.

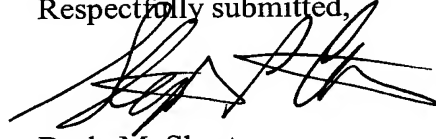
Additionally, claims 24-27 are rejected under 35 U.S.C. §102(b) over Schmid in view of Kobayashi. Because claims 24-27 are canceled, this rejection is moot. Withdrawal of the rejection is respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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